

GENERAL ASSEMBLY OF NORTH CAROLINA
1997 SESSION

S.L. 1997-198
SENATE BILL 816

AN ACT TO ELIMINATE THE NEED TO OBTAIN PRIOR APPROVAL FROM THE WILDLIFE RESOURCES COMMISSION TO RAISE YELLOW PERCH COMMERCIALY IN SOME AREAS OF THE STATE AND TO ALLOW ALLIGATORS TO BE RAISED COMMERCIALY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 106-761(c) reads as rewritten:

"(c) Exceptions for Species Not Listed. – The following fish species that are not listed in subsection (b) of this section may be produced and sold as if they were listed in that subsection with the following restrictions:

- (1) Hybrid striped bass. – striped bass. – The hybrid striped bass shall be subject to rules adopted by the Board of Agriculture in all river basins of the State except for the Neuse, Roanoke, and Tar/Pamlico River basins. In these basins production, Production, propagation, and holding facilities in the Neuse, Roanoke, or Tar/Pamlico River basins for the hybrid striped bass shall comply with additional escapement prevention measures as prescribed by the Wildlife Resources Commission.
- (2) Yellow perch. – A letter of approval from the Wildlife Resources Commission is required before the yellow perch, perca flavescens, may be raised at a facility located west of Interstate Highway 77."

Section 2. Article 63 of Chapter 106 of the General Statutes is amended by adding a new section to read:

"§ 106-763.1. Propagation and production of American alligators.

(a) License Required. – A person who intends to raise American alligators commercially must first obtain an Aquaculture Propagation and Production Facility License from the Department. The Board of Agriculture may regulate a facility that raises American alligators to the same extent that it can regulate any other facility licensed under this Article.

(b) Requirements. – A facility that raises American alligators commercially must comply with all of the following requirements:

- (1) Before a facility begins operation, it must prepare and implement a confinement plan. After a facility begins operation, it must adhere to the confinement plan. A confinement plan must comply with guidelines developed and adopted by the Wildlife Resources

Commission. The Department may inspect a facility to determine if the facility is complying with the confinement plan. As used in this subdivision, 'confinement' includes production within a building or similar structure and a perimeter fence.

- (2) A facility can possess only hatchlings that have been permanently tagged and have an export permit from their state of origin. The facility must keep records of all hatchlings it receives and must make these records available for inspection by the Wildlife Resources Commission and the Department upon request.
- (3) If the facility uses swine, poultry, or other livestock for feed, it must have a disease management plan that has been approved by the State Veterinarian, and it must comply with the plan.
- (4) The activities of the facility must comply with the Endangered Species Act and the Convention on International Trade in Endangered Species. The Department is the State agency responsible for the administration of this program for farm-raised alligators.

(c) Sanctions. – The operator of a facility that possesses an untagged or undocumented alligator commits a Class H felony if the operator knows the alligator is untagged or undocumented. Conviction of an operator of a facility under this section revokes the license of the facility for five years beginning on the date of the conviction. An operator convicted under this section may not be the operator of any other facility required to be licensed under this Article for five years beginning on the date of the conviction."

Section 3. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 11th day of June, 1997.

s/ Dennis A. Wicker
President of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 5:06 p.m. this 19th day of June, 1997